

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-CV-300

MUHAMMAD W. K. ABDUL QADIR,

Plaintiff,

v.

SOUTH CAROLINA DEPARTMENT OF
MOTOR VEHICLES, ANN WICKER,
NORTH CAROLINA DEPARTMENT OF
MOTOR VEHICLES, and J.F. McHAN,

Defendants.

ORDER

THIS MATTER is before the Court on initial review of Plaintiff's Complaint filed July 6, 2010 under 42 U.S.C. § 1983 (2006). (Doc. 1.) Plaintiff complains that his driver's license was wrongfully suspended in 1997 when he failed to pay a speeding citation. He alleges, *inter alia*, that he was denied a hearing on the original speeding ticket, and that Defendants misinformed him of the place of his supposed hearing. After careful consideration by the Court, Plaintiff's Complaint is **DISMISSED** for the reasons set forth herein.

Plaintiff's *in forma pauperis* Complaint seeks relief under 42 U.S.C. § 1983. Section 1983 provides a cause of action to any person whose civil rights are deprived under color of state law. 42 U.S.C. § 1983 (2006). Plaintiff's ability to proceed *in forma pauperis* is governed by statute, which allows "any court of the United States [to] authorize the commencement . . . of any suit . . . without prepayment of fees . . . by a person who submits an affidavit . . . [stating that] the person is unable to pay such fees." 28 U.S.C. § 1915(a)(1) (2006). There are, however, limits to proceeding *in forma pauperis*. In particular, "the court *shall* dismiss the case at any time the court determines that . . . the

action or appeal—(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” *Id.* § 1915(e)(2)(B) (emphasis added).

Plaintiff’s Complaint is “frivolous” and “fails to state a claim on which relief may be granted.” *See id.* Plaintiff’s driver license was suspended because he failed to pay a speeding citation. (Doc. 2, 17.) To obtain a new license, Plaintiff need only follow the instructions provided to him by the State of South Carolina in his exhibits he provided to the Court. *Id.*

Plaintiff’s Complaint is hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: July 8, 2010

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

